

E-FILED on 5/3/2012

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

CHAD RICH,

Plaintiff,

v.

BANK OF AMERICA HOME LOANS;
FEDERAL NATIONAL MORTGAGE
ASSOC.,

Defendants.

No. C-12-00757 RMW

ORDER ADOPTING REPORT AND
RECOMMENDATION AND GRANTING
MOTION TO DISMISS WITH LEAVE TO
AMEND

[Re Docket Nos. 4 and 11]

Defendants move to dismiss the complaint for failure to state a claim upon which relief can be granted. Magistrate Judge Lloyd held a hearing on the motion on April 3, 2012. Plaintiff did not file a written opposition or appear at the hearing. Because not all parties had consented to proceed before a magistrate judge, Judge Lloyd ordered that the case be reassigned to a district judge and issued a report and recommendation that the complaint be dismissed with leave to amend. Dkt. No. 11. The case is now before the undersigned.

///

///

///

///

ORDER ADOPTING REPORT AND RECOMMENDATION AND GRANTING MOTION TO DISMISS WITH LEAVE TO AMEND—No. C-12-00757 RMW
LJP

1 The court having reviewed the magistrate judge's report and there being no objections filed,
2 the court adopts the magistrate judge's report and recommendation in full. The motion to dismiss is
3 granted and plaintiff's complaint is dismissed. Plaintiff has thirty (30) days from the date of this
4 order to file an amended complaint.

5
6
7 DATED: May 3, 2012


RONALD M. WHYTE
United States District Judge

United States District Court
For the Northern District of California